

# **FISCAL NOTE**

## **HB 2403 - SB 3068**

February 4, 2004

### **SUMMARY OF BILL:**

- Increases the burden of proof, in cases where an employer has implemented a drug-free workplace, for an injured employee to overcome presumption that positive alcohol or drug test was cause of injury from preponderance of the evidence that it was not the proximate cause, to clear and convincing evidence that it was not a contributing cause of injury.
- Provides that if the injured worker refuses to submit to a drug test, it is presumed, in the absence of clear and convincing evidence to the contrary, that a contributing cause of the injury was the influence of drugs.

### **ESTIMATED FISCAL IMPACT:**

**Decrease Local Govt. Expenditures – Less than \$100,000**

**State Expenditures – No Impact/Claims Award Fund**

Estimate assumes:

- a decrease in local government expenditures for cities that have implemented the drug-free workplace not being required to pay benefits to an employee who is injured on the job and has a confirmed drug or alcohol test.
- most cities have their own drug and alcohol testing programs and have not chosen to come under the drug free workplace law.
- the state employee workers' compensation program has not implemented the drug free workplace program. Claims involving drugs and alcohol are routinely denied by the Division of Claims Administration; however, the denials are sometimes overturned unless it can be shown that drugs and alcohol are the proximate cause of the injury.

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



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James W. White, Executive Director